



# Sim & McBurney

Patent and Trade-mark Agents

330 University Avenue  
6th floor  
Toronto, Canada  
M5G 1R7

Telephone (416) 595-1155  
Fax (416) 595-1163

MICHAEL I. STEWART  
ROGER T. HUGHES, Q.C.  
TONI POLSON ASHTON  
JOHN H. WOODLEY  
KENNETH D. MCKAY  
TIMOTHY M. LOWMAN  
STEPHEN M. LANE  
ARTHUR B. RENAUD  
STEPHEN J. PERRY  
PATRICIA A. RAE  
DAVID A. RUSTON  
L.E. TRENT HORNE  
LOLA A. BARTOSZEWICZ  
THOMAS T. RIEDER  
WARREN J. GALLOWAY  
URSULA M. MCGUINNESS  
ROBERT C.T. LIANG  
ELIZABETH VALENTINA  
LESLEY M. MORRISON  
GEOFFREY B.C. DE KLEINE  
  
SENIOR CONSULTANTS  
PETER W. MCBURNEY  
BRENDA L. BOARDMAN  
  
TECHNICAL ASSISTANTS  
KIMBERLY A. MCMANUS, PH.D.  
WENDY M. NOSS, B.A., L.L.B.

Please Quote

Our ref. 1038-1190 MIS

Your ref. -

Writer's Ext. 239

E-mail: [mistewart@sim-mcburney.com](mailto:mistewart@sim-mcburney.com)

December 17, 2001

## Via Courier

The Commissioner of Patents  
and Trademarks  
Box Missing Parts  
Washington, DC 20231  
U.S.A.


Dear sir:

**RE: US Patent Application No. 09/936,362**  
**Applicant: Sheena M. Loosmore**  
**Title: RECOMBINANT HAEMOPHILUS INFLUENZAE**  
**ADHESIN PROTEINS**

In response to the Notification of Missing Requirements under 35 U.S.C.  
371, submitted herewith are:

1. Declaration signed by the inventors and referring to the PCT filing by number and filing date.
2. Cheque in the amount of the Surcharge fee and the additional claim fee
3. Copy of Notice

Yours very truly,

  
Michael I. Stewart  
Reg. No. 24,973

M.I.Stewart/jb  
Enclosure(s)



JC14 Rec'd PGT/PTO 19 DEC 2001

#3  
PCT\$Please type a plus sign (+) inside this box → ☐PTO/SB/21 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application	09/936,362	
	Filing Date		
	First Named	Sheena M. Loosmore	
	Group Art Unit		
	Examiner Name		
Total Number of Pages in This Submission	9	Attorney Docket Number	1038-1190 MIS:jb

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Michael I. Stewart (Reg. No. 24,973)
Signature	
Date	December 17, 2001

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: <input type="text"/>			
Typed or printed name			
Signature		Date	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/17 (XX-XX)  
Approved for use through 10/31/2002. OMB 0651-0032  
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

## Complete if Known

Application Number	09/936,362
Filing Date	
First Named Inventor	Sheena M. Loosmore
Examiner Name	
Group Art Unit	
Attorney Docket No.	1038-1190 MIS:Jb

TOTAL AMOUNT OF PAYMENT \$382.00

## METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number   
Deposit Account Name

- ☐ Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17  
☐ Applicant claims small entity status. See 37 CFR § 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	<input type="text"/>
106 330	206 165	Design filing fee	<input type="text"/>
107 510	207 255	Plant filing fee	<input type="text"/>
108 740	208 370	Reissue filing fee	<input type="text"/>
114 160	214 80	Provisional filing fee	<input type="text"/>

SUBTOTAL (1)

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
<input type="text"/>	-20** = <input type="text"/>	X <input type="text"/>	= <input type="text"/>
Independent Claims	-3** = <input type="text"/>	X <input type="text"/>	= <input type="text"/>
Multiple Dependent		<input type="text"/>	= <input type="text"/>

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent

110 18 210 9 \*\* Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	130.00
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	<input type="text"/>
139 130	139 130	Non - English specification	<input type="text"/>
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	<input type="text"/>
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	<input type="text"/>
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	<input type="text"/>
115 110	215 55	Extension for reply within first month	<input type="text"/>
116 400	216 200	Extension for reply within second month	<input type="text"/>
117 920	217 460	Extension for reply within third month	<input type="text"/>
118 1,440	218 720	Extension for reply within fourth month	<input type="text"/>
128 1,960	228 980	Extension for reply within fifth month	<input type="text"/>
119 320	219 160	Notice of Appeal	<input type="text"/>
120 320	220 160	Filing a brief in support of an appeal	<input type="text"/>
121 280	221 140	Request for oral hearing	<input type="text"/>
138 1,510	138 1,510	Petition to institute a public use proceeding	<input type="text"/>
140 110	240 55	Petition to revive - unavoidable	<input type="text"/>
141 1,280	241 640	Petition to revive - unintentional	<input type="text"/>
142 1,280	242 640	Utility issue fee (or reissue)	<input type="text"/>
143 460	243 230	Design issue fee	<input type="text"/>
144 620	244 310	Plant issue fee	<input type="text"/>
122 130	122 130	Petitions to the Commissioner	<input type="text"/>
123 50	123 50	Processing fee under 37 CFR § 1.17(q)	<input type="text"/>
126 180	126 180	Submission of Information Disclosure Statement	<input type="text"/>
581 40	581 40	Recording each patent assignment per property (times number of properties)	<input type="text"/>
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	<input type="text"/>
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	<input type="text"/>
179 740	279 370	Request for Continued Examination (RCE)	<input type="text"/>
169 900	169 900	Request for expedited examination of a design application	<input type="text"/>

Other fee (specify) Additional Claim Fee

252.00

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

\$382.00

## SUBMITTED BY

Name (Print/Type) Michael I. Stewart  
Signature

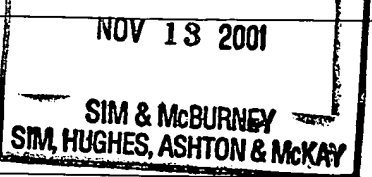
Registration No. (Attorney/Agent) 24,973

## Complete (if applicable)

Telephone (416) 595-1155  
Date December 17, 2001

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

		
U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/936,362	Sheena M Loosmore	1038-1190 MIS:jb

24223  
SIM & MCBURNEY  
330 UNIVERSITY AVENUE  
6TH FLOOR  
TORONTO, ON M5G 1R7  
CANADA

INTERNATIONAL APPLICATION NO.

PCT/CA00/00289

I.A. FILING DATE

03/16/2000

PRIORITY DATE

03/16/1999

CONFIRMATION NO. 3637

371 FORMALITIES LETTER



\*OC000000007009808\*

Date Mailed: 11/02/2001

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Preliminary Amendments

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- **\$130** Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Additionally the following defects have been observed:

- Additional claim fees of **\$252** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$382** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$252**
  - **\$252** for **23** total claims over 20.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

MAMIE P PERSON

Telephone: (703) 305-3737

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/936,362	PCT/CA00/00289	1038-1190 MIS:jb